

**STAFF REPORT**

**59**

A 35  
S 19

08/23/19  
PRC 7611.1  
R. Collins

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

Vandenberg Village Community Services District

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Three parcels of sovereign land in Burton Mesa Ecological Reserve, near Lompoc, Santa Barbara County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing access road and use and maintenance of two existing water storage tanks and a 16-inch-diameter underground water pipeline.

*LEASE TERM:*

25 years, beginning July 5, 2019.

*CONSIDERATION:*

\$140 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Liability insurance in the amount no less than \$1,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;  
California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

The Burton Mesa Ecological Reserve (Reserve) consists of approximately 5,300 acres located north of the city of Lompoc in Santa Barbara County and is held as sovereign land under the Commission's jurisdiction. The Reserve supports one of the last significant natural stands of Burton Mesa Chaparral on the central California coast. The land in the Reserve was acquired by the State in a series of transactions: 5,125 acres from Union Oil Company of California (UNOCAL) in 1991; 60 acres from UNOCAL in 1995; 47 acres from Santa Barbara County in 1998; and 68 acres from the

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California Department of Parks and Recreation in 2008. On December 3, 1999, the Commission authorized Lease No. PRC 8129.9, a General Lease – Public Agency Use, for a 49-year term to the California Department of Fish and Wildlife (CDFW) for management, operation, and maintenance of the Reserve ([Item C22, December 3, 1999](#)). CDFW was contacted during processing of this lease application and does not object to the authorization of the proposed lease.

Vandenberg Village Community Services District (District) was established in 1983 for the purpose of providing water and wastewater services to the community of Vandenberg Village. Vandenberg Village consists of approximately 2,700 dwelling units with a population of 7,200 residents. The District currently operates 32 miles of water distribution system, three groundwater wells, one 500,000-gallon tank reservoir, one 300,000-gallon tank reservoir, and two 1,000,000-gallon tank reservoirs.

On February 5, 1992, the Commission authorized Lease No. Pric 7611.9, a General Lease – Public Agency Right-of-Way Use, to the District for the construction, use, and maintenance of an access road ([Item C13, February 5, 1992](#)). The lease expired July 4, 2019. The access road allows access to the two 1,000,000-gallon water storage tanks at Reservoir Site 5 that provide potable water to the community of Vandenberg Village through a 16-inch-diameter water pipeline. The two water tanks and the water pipeline were constructed in the early 1990s and are located in a 30-year easement granted to the District in 1989 by UNOCAL prior to the land being deeded to the State. The easement granted by UNOCAL expired July 26, 2019. The District has applied for a new lease to include the two water storage tanks and the 16-inch-diameter water pipeline along with the access road.

The underground water pipeline is a 16-inch-diameter polyvinyl chloride transmission main. The water storage tanks at Reservoir Site 5 are situated on a 2-acre parcel and store treated water and furnish the head pressure for the District's water distribution system. A chain link fence surrounds the 2-acre parcel and provides security for the water storage tanks by prohibiting public access. The access road provides access to District employees for maintenance purposes. The access road connects with St. Andrews Way and is gated to prohibit vehicular access while providing public pedestrian access.

The two water storage tanks and the 16-inch-diameter underground water pipeline are not generally associated with traditional Public Trust uses. However, the underground water pipeline does not significantly interfere

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with Public Trust activities and the access road provides for public pedestrian access. The 2-acre parcel occupied by the two water storage tanks is fenced pursuant to [section 64585, subdivision \(b\)\(7\), title 22, California Code of Regulations](#) that requires public water distribution reservoirs be “equipped to prevent access by unauthorized persons.”

The access road, two water storage tanks, and the water pipeline have existed for many years at this location. The proposed lease does not alienate the State’s fee simple interest, nor does it significantly impair public rights. The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the leased premises. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

### **Climate Change:**

The combination of more frequent and longer duration weather patterns contributing to high and unpredictable winds, low humidity, and extreme heat for California’s vegetated wildlands has contributed to an increasingly aggressive wildland fire season as a related product of climate change. This threat can be further elevated through prolonged drought conditions and a lack of forest fuels reduction management for forest land areas. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms.

The subject property is located adjacent to undisturbed oak woodland, coastal scrub, and chaparral communities. The surrounding vegetation is vulnerable to the above weather events and the threat of wildland fires. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change; therefore, the Applicant is responsible for ensuring the improvements to the lease premises are maintained in a manner that does not contribute to wildland fire hazards. Regular maintenance of vegetation within the lease premises will help minimize the threat of fire hazards.

### **Conclusion:**

In conclusion and based on the information above, staff believes that the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this time and for the foreseeable term of the lease, and is in the best interests of the State.

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**OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the existing water storage tanks and underground pipeline and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

**APPROVALS OBTAINED:**

California State Water Resources Control Board, Division of Drinking Water

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this time and for the foreseeable term of the lease, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to Vandenberg Village Community Services District beginning July 5, 2019, for a term of 25 years, for the use and maintenance of an access road, two existing water storage tanks, and a 16-inch-diameter underground water pipeline, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$140 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7611.1**

**LAND DESCRIPTION**

Three parcels of State owned land lying within lands conveyed to the State by Union Oil Co. in A.D. 161, Unocal / Burton Mesa Settlement Agreement, as described in Instrument No. 91-038941, recorded on June 20, 1991, Official Records, County of Santa Barbara, County of Santa Barbara, State of California, described as follows:

**PARCEL ONE (1) – ACCESS ROAD**

A strip of land 20 feet wide, lying 10 feet on each side of the following described centerline:

COMMENCING at the northeasterly corner of Tract 13370 recorded January 23, 1986, in Book 129, Pages 37 through 39, Official Records, County of Santa Barbara, State of California; thence N 89°59'47" W 690.88 feet along the North boundary line of Tract 13370 to the TRUE POINT OF BEGINNING of said strip of land; thence leaving the North boundary line of Tract 13370 along a non-tangent curve being concave to the southwest, and having a radius of 100.00 feet, (to which a radial line bears N 38°54'34" E), northwesterly a distance of 42.21 feet along said curve (through a central angle of 24°11'03"); thence N 75°20'28" W, 160.99 feet to a point on the easterly easement line, which is the 3<sup>rd</sup> course of Parcel Two (2) of an easement for water storage facilities recorded June 15, 1990, as Instrument No. 90-040402, Official Records, County of Santa Barbara, State of California.

The sidelines of said strip shall be prolonged or shortened so as to commence at the North boundary line of said Tract 13370, and terminate at the easterly easement line of said Parcel Two (2).

**PARCEL TWO (2) – WATER PIPELINE**

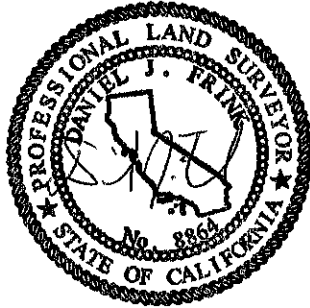
Being Parcel One (1) an easement 20 feet in width for water pipelines recorded June 15, 1990, as Instrument No. 90-040402, Official Records, County of Santa Barbara, State of California.

**PARCEL THREE (3) – WATER TANK PARCEL**

Being Parcel Two (2) an easement for water storage facilities recorded June 15, 1990, as Instrument No. 90-040402, Official Records, County of Santa Barbara, State of California.

**END OF DESCRIPTION**

Parcel 1 based on the original description prepared by the California State Lands Commission Boundary Unit January 1992 as found in PRC 7611. Parcels 2 and 3 prepared 4/18/19 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE



AD 161  
LANDS CONVEYED TO THE STATE  
BY UNION OIL, UNOCAL/BURTON  
MESA SETTLEMENT AGREEMENT.

APN 097-350-021

LEASE PARCEL 3  
WATER TANK PARCEL

LEASE PARCEL 2  
20' WIDE RIGHT - OF - WAY  
FOR 16" WATER PIPELINE

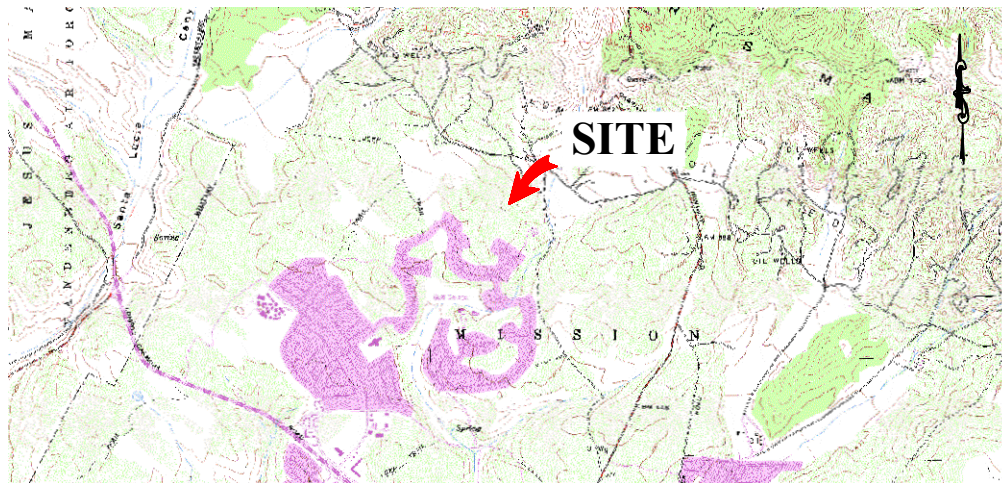
LEASE PARCEL 1  
ACCESS ROAD

APN 097-350-022

## BURTON MESA ECOLOGICAL RESERVE

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

# **Exhibit B**

PRC 7611.1  
VANDENBERG VILLAGE  
COMMUNITY SERVICES  
DISTRICT  
APN 097-350-021 & 022  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SANTA BARBARA COUNTY



DJF 7/23/19